

COURT TERMS

PLACE 1

2ND MONDAY - MARCH (3 WKS)

2ND MONDAY - JUNE (3 WKS)

GRAND JURY

2ND MONDAY - SEPTEMBER (3 WKS)

PLACE 2

4TH MONDAY - JANUARY (3 WKS)

GRAND JURY

3RD MONDAY - APRIL (3 WKS)

3RD MONDAY - JULY (2 WKS)

4TH MONDAY - OCTOBER (2 WKS)

**LESLIE WILSON**  
CIRCUIT CLERK  
AND  
REGISTRAR OF VOTERS  
LAMAR COUNTY, MISSISSIPPI  
P. O. BOX 369  
PURVIS, MISSISSIPPI 39475

15TH CIRCUIT COURT

JUDGES

Hon. PRENTISS HARRELL

HON. ANTHONY MOZINGO

DISTRICT ATTORNEY

HON. HALDON KITTRELL

PHONES - Purvis 601-794-8504

Hattiesburg 601-544-4410

Lumberton 601-796-2460

Sumrall 601-758-4818

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE AND HUSBAND  
PHILLIP M. LEE

PLAINTIFFS

VERSUS

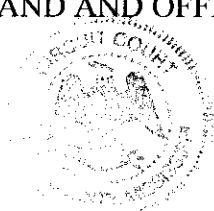
CIVIL ACTION NO. 2011-129H

WAL-MART STORES, INC.

DEFENDANT

I, LESLIE WILSON, CIRCUIT CLERK OF LAMAR COUNTY, MISSISSIPPI DO HEREBY  
CERTIFY THAT THE ATTACHED 36 PAGES ARE TRUE AND CORRECT COPIES OF  
OF PAPERS FILED IN THE ABOVE STYLED AND NUMBERED CAUSE IN THE  
ABOVE STYLED AND NUMBERED IN THE CIRCUIT COURT OF LAMAR COUNTY,  
MISSISSIPPI.

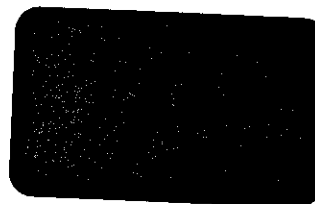
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS THE 17<sup>TH</sup> DAY  
OF OCTOBER, 2011.



LESLIE WILSON, CIRCUIT CLERK  
LAMAR COUNTY, MISSISSIPPI

*[Handwritten signature of Leslie Wilson]*

D.C.



IN CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE and husband  
PHILLIP M. LEE

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2011-129H

WAL-MART STORES, INC.

DEFENDANT

**RESPONSES TO SECOND SET OF DISCOVERY FROM  
DEFENDANT WAL-MART TO PLAINTIFF PHILLIP LEE**

COMES NOW the Plaintiff Phillip Lee and in response to the Requests for Admissions and Requests for Production included in Defendant's Second Set of Discovery answers as follows:

**Responses to Request for Admissions**

1. The damages alleged in your Complaint do not exceed \$75,000.00.

**RESPONSE: Denied.**

2. The amount in controversy in this matter does not exceed the sum of \$75,000.00.

**RESPONSE: Denied.**

3. This case does not satisfy the "amount in controversy" requirements of 28 U.S.C. §1332.

**RESPONSE: Denied.**

4. You are not seeking an award of more than \$75,000.00 to satisfy all of the claims stated in your Complaint.

**RESPONSE: Denied.**

5. You will not accept more than \$75,000.00 in compensatory and punitive

**FILED**  
LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK  
*Leatrice Wilson*

damages.

**RESPONSE: Denied.**

6. There is no evidence which supports an award of damages in this case exceeding \$75,000.00, including compensatory and punitive damages.

**RESPONSE: Denied.**

7. The proper measure of damages, if any, does not exceed \$75,000.00 inclusive of all claims for compensatory and punitive damages.

**RESPONSE: Denied.**

8. Neither you nor your attorney will ask a Judge or jury to return a verdict for more than \$75,000.00 in the event of a trial of this matter.

**RESPONSE: Denied.**

9. Any verdict or judgment in excess of \$75,000.00 in this matter would be excessive as a matter of law.

**RESPONSE: Denied.**

10. If a Judge or jury returns a verdict in excess of \$75,000.00, you will agree to a remittitur equal to or less than \$75,000.00.

**RESPONSE: Denied.**

11. Even if new or additional facts, information, or law are discovered with respect to the damages available in the case, you agree not to seek, ask for, claim or accept damages exceeding \$75,000.00, including compensatory and punitive damages.

**RESPONSE: Denied.**

**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK

*Leddie Wilson*

**RESPONSES TO REQUESTS FOR PRODUCTION**

1. If your response to any of the foregoing requests for admissions is anything other than an unqualified admission, as to each separate response, please produce the following:

- a. All documents upon which you rely in refusing to admit said response;
- b. All documents which identify all witnesses who have any knowledge of the facts and/or circumstances upon which you rely in refusing to admit said response;
- c. All documents which in any way refer to the subject matter of the requests for admission.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

2. Please produce each and every document in your possession which supports an award of damages in this matter in excess of \$75,000.00.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

3. Please produce each and every document in your possession which supports your claim for damages against this Defendant.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

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LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK  
*Leddie Wilson*

4. Please produce each and every document in your possession which supports any claim that the amount in controversy in this matter exceeds the sum of \$75,000.00.

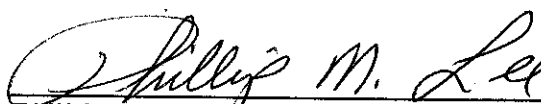
**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

Respectfully submitted,

  
Phillip M. Lee, Plaintiff

STATE OF MISSISSIPPI )  
 )  
COUNTY OF LAMAR )

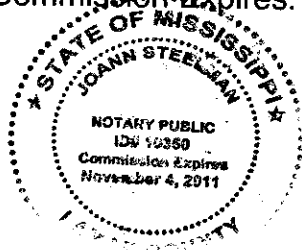
PERSONALLY came and appeared before me, the undersigned authority in and for said County and State, the within named PHILLIP M. LEE, who having been by me first duly sworn according to law, states on oath that the foregoing *Responses to Second Set of Discovery from Defendant Wal-Mart to Plaintiff Phillip Lee* are true and correct as therein stated.

  
PHILLIP M. LEE

SWORN TO AND SUBSCRIBED before me on this the 11th day of October, 2011.

  
NOTARY PUBLIC

My Commission Expires:



**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK



**CERTIFICATE**

I, CORY M. WILLIAMS, of counsel for the Plaintiffs, do hereby certify that I have this day mailed by United States Mail, postage prepaid, a true and correct copy of the foregoing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. BOX 2047  
MOBILE, AL 36652  
Attorney for Defendant Wal-Mart Stores East, L.P.**

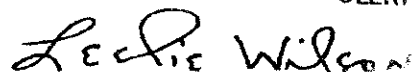
THIS the 11th day of October, A.D., 2011.

  
Cory M. Williams

CORY M. WILLIAMS (MSB #102870)  
L. O'NEAL WILLIAMS, JR. (MSB #7248)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR ROAD, SUITE 400  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 602-4705  
ATTORNEYS FOR PLAINTIFFS

**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK



IN CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE and husband  
PHILLIP M. LEE

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2011-129H

WAL-MART STORES, INC.

DEFENDANT

**RESPONSES TO SECOND SET OF DISCOVERY FROM  
DEFENDANT WAL-MART TO PLAINTIFF ARIANNE LEE**

COMES NOW the Plaintiff Arianne Lee and in response to the Requests for Admissions and Requests for Production included in Defendant's Second Set of Discovery answers as follows:

**Responses to Request for Admissions**

1. The damages alleged in your Complaint do not exceed \$75,000.00.

**RESPONSE: Denied.**

2. The amount in controversy in this matter does not exceed the sum of \$75,000.00.

**RESPONSE: Denied.**

3. This case does not satisfy the "amount in controversy" requirements of 28 U.S.C. §1332.

**RESPONSE: Denied.**

4. You are not seeking an award of more than \$75,000.00 to satisfy all of the claims stated in your Complaint.

**RESPONSE: Denied.**

5. You will not accept more than \$75,000.00 in compensatory and punitive

**FILED**  
LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK

*Leddie Wilson*

damages.

**RESPONSE: Denied.**

6. There is no evidence which supports an award of damages in this case exceeding \$75,000.00, including compensatory and punitive damages.

**RESPONSE: Denied.**

7. The proper measure of damages, if any, does not exceed \$75,000.00 inclusive of all claims for compensatory and punitive damages.

**RESPONSE: Denied.**

8. Neither you nor your attorney will ask a Judge or jury to return a verdict for more than \$75,000.00 in the event of a trial of this matter.

**RESPONSE: Denied.**

9. Any verdict or judgment in excess of \$75,000.00 in this matter would be excessive as a matter of law.

**RESPONSE: Denied.**

10. If a Judge or jury returns a verdict in excess of \$75,000.00, you will agree to a remittitur equal to or less than \$75,000.00.

**RESPONSE: Denied.**

11. Even if new or additional facts, information, or law are discovered with respect to the damages available in the case, you agree not to seek, ask for, claim or accept damages exceeding \$75,000.00, including compensatory and punitive damages.

**RESPONSE: Denied.**

**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK

*Leddie Wilson*



**RESPONSES TO REQUESTS FOR PRODUCTION**

1. If your response to any of the foregoing requests for admissions is anything other than an unqualified admission, as to each separate response, please produce the following:

- a. All documents upon which you rely in refusing to admit said response;
- b. All documents which identify all witnesses who have any knowledge of the facts and/or circumstances upon which you rely in refusing to admit said response;
- c. All documents which in any way refer to the subject matter of the requests for admission.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

2. Please produce each and every document in your possession which supports an award of damages in this matter in excess of \$75,000.00.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

3. Please produce each and every document in your possession which supports your claim for damages against this Defendant.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK

*Leddie Wilson*

4. Please produce each and every document in your possession which supports any claim that the amount in controversy in this matter exceeds the sum of \$75,000.00.

**RESPONSE:** Please see the Complaint filed herein. Additional information and records will be submitted with my responses to Defendant's first set of discovery which will supplement this response.

Respectfully submitted,

Arianne M. Lee  
Arianne M. Lee, Plaintiff

STATE OF MISSISSIPPI )  
 )  
COUNTY OF LAMAR )

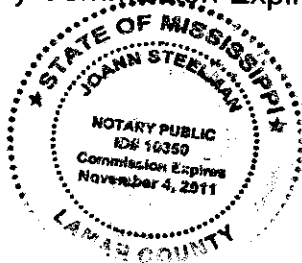
PERSONALLY came and appeared before me, the undersigned authority in and for said County and State, the within named ARIANNE M. LEE, who having been by me first duly sworn according to law, states on oath that the foregoing *Responses to Second Set of Discovery from Defendant Wal-Mart to Plaintiff Arianne M. Lee* are true and correct as therein stated.

Arianne M. Lee  
ARIANNE M. LEE

SWORN TO AND SUBSCRIBED before me on this the 11th day of October, 2011.

Jo Ann Steelman  
NOTARY PUBLIC

My Commission Expires:



**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK


Leetie Wilson

**CERTIFICATE**

I, CORY M. WILLIAMS, of counsel for the Plaintiffs, do hereby certify that I have this day mailed by United States Mail, postage prepaid, a true and correct copy of the foregoing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. BOX 2047  
MOBILE, AL 36652  
Attorney for Defendant Wal-Mart Stores East, L.P.**

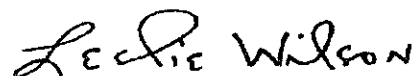
THIS the 11th day of October, A.D., 2011.

  
Cory M. Williams

CORY M. WILLIAMS (MSB #102870)  
L. O'NEAL WILLIAMS, JR. (MSB #7248)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR ROAD, SUITE 400  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 602-4705  
ATTORNEYS FOR PLAINTIFFS

**FILED**

LAMAR COUNTY OCT 12 2011 CIRCUIT CLERK



**WILLIAMS, WILLIAMS & MONTGOMERY, P. A.**

**ATTORNEYS AT LAW**

140 MAYFAIR ROAD

SUITE 400

**HATTIESBURG, MISSISSIPPI 39402**

TELEPHONE (601) 602-4705

FAX (601) 602-4725

WWW.WWMATTORNEYS.COM

LAMPTON O. WILLIAMS  
JOSEPH H. MONTGOMERY  
E. BRAGG WILLIAMS, III  
L. O'NEAL WILLIAMS, JR.  
MICHAEL E. PATTEN  
CORY M. WILLIAMS

E. B. WILLIAMS 1890-1976  
E. B. WILLIAMS, JR. 1917-1990  
109 ERLANGER STREET  
P.O. BOX 113  
POPLARVILLE, MS 39470  
TELEPHONE (601) 795-4572  
FAX (601) 795-8382

October 11, 2011

Honorable Leslie Wilson  
Circuit Clerk, Lamar County  
Post Office Box 369  
Purvis, MS 39475

Re: Arianne M. Lee and husband Phillip M. Lee v. Wal-Mart Stores, Inc.  
- Civil Action No. 2011-129H in the Circuit Court of Lamar County,  
Mississippi

Dear Mr. Wilson:

In connection with the above-captioned claim, we enclose the original and one copy of the following:

1. *Responses to Second Set of Discovery from Defendant Wal-Mart to Plaintiff Arianne Lee*
2. *Responses to Second Set of Discovery from Defendant Wal-Mart to Plaintiff Phillip Lee.*

which include the Plaintiffs' responses to requests for admissions propounded to them by Defendant Wal-Mart. Please file the original documents and return the copies to us stamped "filed" in the envelope provided.

By copy of this letter, we are mailing copies of the discovery responses to W. Pemble Delashmet, attorney for the Defendant.

Thank you for your attention to our requests.

Yours very truly,

WILLIAMS, WILLIAMS & MONTGOMERY, P.A.

**FILED**

LAMAR  
COUNTY

OCT 12 2011

CIRCUIT  
CLERK By:

Cory M. Williams

CMW:jac

Enclosures

cc: Mr. W. Pemble Delashmet (copy/enclosure mailed and faxed to 251-433-1578)

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI  
FIFTEENTH DISTRICT

ARIANNE M. LEE, ET AL  
PLAINTIFF(S)  
VS  
WAL-MART STORES  
DEFENDANT(S)

CAUSE NO. 2011-129H

NOTICE OF CASES ON TRIAL CALENDAR

ATTORNEY FOR PLAINTIFF:  
CORY M. WILLIAMS  
140 MAYFAIR, STE 400  
HATTIESBURG MS 39402

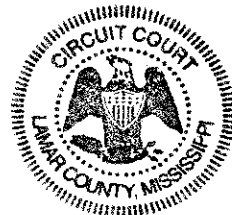
ATTORNEYS FOR DEFENDANTS:  
W. PEMBLE DELASHMET  
PO BOX 2047  
MOBILE AL 36652

YOU ARE HEREBY NOTIFIED THAT THE ABOVE AND NUMBERED CASE HAS  
BEEN PLACED ON THE TRIAL CALENDAR. THE TRIAL DOCKET WILL BE  
SET IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI ON MONDAY ,  
THE 24<sup>TH</sup> DAY OF OCT. , 2011, AT 9:00 A.M.

THE ABOVE SETTINGS ARE BEING MADE IN COMPLIANCE WITH RULE 40 (B)  
OF THE MISSISSIPPI RULES OF CIVIL PROCEDURE.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 29 DAY OF  
SEPT., 2011.

LESLIE WILSON, CIRCUIT CLERK  
LAMAR COUNTY, MISSISSIPPI  
BY: S/M.HOLLINGSWORTH, D.C.



IN THE CIRCUIT CLERK OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE AND HUSBAND  
PHILLIP M. LEE,

Plaintiff,

vs.

WAL-MART STORES, INC.

Defendant.

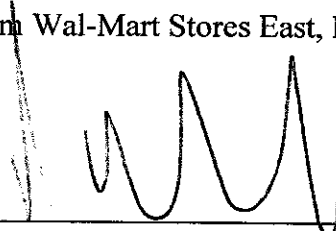
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CASE NO. ~~CV~~-2011-129 H

NOTICE OF SERVICE OF DISCOVERY

In accordance with the Mississippi Rules of Civil Procedure, Defendant Wal-Mart Stores East, L.P. gives notice to the court that the following discovery has been served on the Plaintiff:

1. First Set of Interrogatories and Request for Production of Documents from Defendant Wal-Mart Stores East, L.P. to Plaintiffs;
2. Second Set of Discovery to Plaintiffs from Wal-Mart Stores East, L.P.



W. PEMBLE DELASHMET (MS# 8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS# 102752)

wpd@delmar-law.com

Attorneys for

OF COUNSEL:

DELASHMET & MARCHAND, P.C.  
Post Office Box 2047 Mobile, AL 36652

Telephone: (251) 433-1577

Facsimile: (251) 433-1578

**FILED**

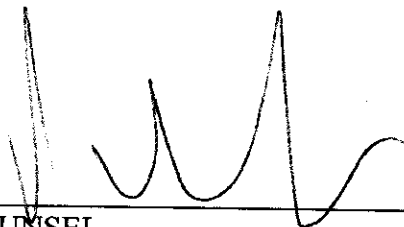
LAMAR SEP 15 2011 CIRCUIT  
COUNTY CLERK

*Leddie Wilson*

CERTIFICATE OF SERVICE

I hereby certify that I have on this day September 13, 2011, served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed.

Cory M. Williams  
Williams, Williams & Montgomery, P.A.  
140 Mayfair, Suite 400  
Hattiesburg, MS 39402

  
\_\_\_\_\_  
OF COUNSEL

**FILED**  
LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK  
*Leddie Wilson*

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE AND HUSBAND  
PHILLIP M. LEE,

Plaintiffs,

vs.

WAL-MART STORES, INC.

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CASE NO. ~~CV~~-2011-129 H

ANSWER

Defendant Wal-Mart Stores East, L.P. (hereinafter "Wal-Mart"), incorrectly identified as "Wal-Mart Stores, Inc.", answers Plaintiffs' Complaint as follows with each numbered paragraph corresponding to the numbered paragraphs of Plaintiffs' Complaint:

I.

Wal-Mart is without knowledge and information sufficient to form a belief as to Plaintiffs' age or residency and, therefore, must deny the same.

II.

Wal-Mart Stores, Inc. admits it is a foreign corporation qualified to do business in the State of Mississippi, and may be served via its registered agent. Wal-Mart Stores, Inc. denies it was, or is, the owner or operator of the premises where this incident allegedly occurred. Wal-Mart Stores East, L.P., a limited partnership qualified to do business in the State of Mississippi and registered with the Mississippi Secretary of State, with its principal place of business in the state of Arkansas, admits it may be served via its registered agent. Wal-Mart Stores East, L.P. admits it was the operator of the premises where this incident allegedly occurred.

**FILED**

LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*L. H. Wilson*



III.

Wal-Mart admits, at the present time, that this Court has jurisdiction and venue over this cause of action. To the extent this paragraph asserts or implies allegations against Wal-Mart, the same are denied and strict proof thereof is demanded.

IV.

Wal-Mart Stores, Inc. denies it was, or is, the owner or operator of the premises where this incident allegedly occurred. Wal-Mart Stores East, L.P. admits it was the operator of the premises where this incident allegedly occurred. Wal-Mart admits the premises were at all times material herein operated as a retail establishment, and the general public was invited onto the premises. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

V.

Wal-Mart admits the law imposes certain duties upon it as the operator of a retail establishment, which laws speak for themselves. To the extent this paragraph asserts allegations against Wal-Mart, the same are denied and strict proof thereof is demanded.

VI.

Wal-Mart Stores East, L.P. admits that Plaintiff, Arianne Lee, was on its premises at the Wal-Mart store located in Hattiesburg, Mississippi, on or about August 15, 2010. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's status as a visitor or "invitee" and, therefore, must deny the same and demand strict proof thereof. Wal-Mart admits the law imposes certain duties upon it as the operator of a retail establishment, which laws speak for themselves. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

**FILED**

LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*Leatrice Wilson*

VII.

Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's actions in the store, or Plaintiff's medical condition and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

VIII

Wal-Mart denies that it was negligent, and denies its conduct proximately caused or contributed to Plaintiff's injuries, if any, and demands strict proof thereof. Wal-Mart specifically denies the allegations contained in sub-parts 1 through 6 of this paragraph and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

IX.

Wal-Mart denies that it was negligent, and denies its conduct proximately caused or contributed to Plaintiff's injuries, if any, and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition or alleged damages and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

**FILED**

LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*Lectie Wilson*

*Lectie Wilson*

COUNT ONE

X.

Wal-Mart adopts herein and incorporates by reference the preceding paragraphs the same as though fully repeated herein. Wal-Mart denies that it was negligent, and denies its conduct proximately caused or contributed to Plaintiff's injuries, if any, and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition or alleged damages and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

XI.

Wal-Mart denies that its conduct was reckless, negligent, willful, wanton or unlawful; and further denies its conduct proximately caused or contributed to Plaintiff's injuries, if any, and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition or alleged damages and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

COUNT TWO

XII.

Wal-Mart adopts herein and incorporates by reference the preceding paragraphs the same as though fully repeated herein. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff, Arianne Lee's medical condition prior to this incident; her attributes or characteristics as a wife; or the nature or extent of the benefits received by Plaintiff, Phillip Lee, from Plaintiff, Arianne Lee, prior to or at any time after this

**FILED**

LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*Leetie Wilson*

incident and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies that it was negligent, and denies its conduct proximately caused or contributed to Plaintiffs' injuries, if any, and demands strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

XIII.

Wal-Mart denies that its conduct was careless, negligent, or wanton, and denies its conduct proximately caused or contributed to Plaintiff's injuries, if any and demands strict proof thereof. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

AD DAMNUM

14.

Wal-Mart denies the allegations contained in the unnumbered paragraphs and subparts following paragraph XIII which begins "Wherefore" and specifically denies that the Plaintiffs are entitled to any recovery whatsoever.

**AFFIRMATIVE DEFENSES**

1. Defendant denies each and every material allegation of Plaintiffs' Complaint not otherwise addressed and demands strict proof thereof.
2. Plaintiff, Arianne Lee, was guilty of negligence that caused or contributed to cause the injuries about which she complains.
3. The alleged hazard about which Plaintiff complains was open and obvious and, therefore, Defendant did not owe Plaintiff any duty as alleged.

**FILED**  
LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK  
*Leatrice Wilson*

4. Defendant did not have notice of the alleged hazard about which Plaintiff complains and therefore, under Mississippi law Defendant owed Plaintiff no duty to eliminate the alleged hazard.

5. No act or omissions of this Defendant was the proximate cause of any injury to Plaintiffs.

6. Defendant owed Plaintiff no duty as alleged, the breach of which caused or contributed to the cause of the Plaintiffs' injuries.

7. Plaintiffs' injuries and damages were the result of an intervening and/or superseding cause; therefore, Plaintiffs should not recover from Defendant.

8. Defendant respectfully demands credit for any and all monies paid to, or on behalf of, Plaintiffs from any and all collateral sources.

9. Plaintiffs, in whole or in part, failed to mitigate their alleged damages, and therefore are precluded from recovery.

10. Plaintiffs' alleged damages are the result of a condition and/or injury which predates the incident made the basis of her Complaint and having no causal relationship with this Defendant.

11. Plaintiffs' complaint against Wal-Mart Stores, Inc. fails to state a claim upon which relief, in whole or in part, can be granted.

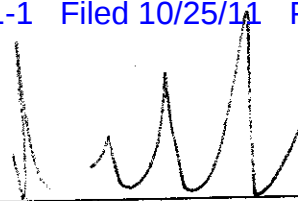
12. Defendant reserves the right to add and/or supplement these affirmative defenses as discovery in this matter has not yet begun.

**DEFENDANT DEMANDS TRIAL BY STRUCK JURY.**

**FILED**

LAMAR  
COUNTY SEP 15 2011 CIRCUIT  
CLERK

*Leah Wilson*



W. PEMBLE DELASHMET (MS# 8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS# 102752)

wpd@delmar-law.com

Attorneys for Wal-Mart Stores East, L.P.

OF COUNSEL:

DELASHMET & MARCHAND, P.C.

Post Office Box 2047

Mobile, AL 36652

Telephone: (251) 433-1577

Facsimile: (251) 433-1578

CERTIFICATE OF SERVICE

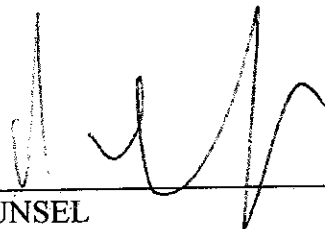
I hereby certify that I have on this day September 13, 2011, served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed.

Cory M. Williams

Williams, Williams & Montgomery, P.A.

140 Mayfair, Suite 400

Hattiesburg, MS 39402



OF COUNSEL

**FILED**

LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*Lectie Wilson*

**DELASHMET**  
**MARCHAND, P.C.**  
ATTORNEYS AT LAW

September 13, 2011

Leslie Wilson  
Circuit Clerk of Lamar County, Mississippi  
P.O. Box 369  
Purvis, MS 39475-0369

Re: *Lee, Arianne M. v. Wal-Mart Stores*  
Circuit Clerk of Lamar County, Mississippi  
Case Number: *CV-2011-129* H

Dear Ms. Wilson:

Enclosed please find the original and one copy of our Answer and Notice of Service of Discovery in the above referenced case. Please stamp the additional copies as filed and return them to me in the enclosed self-addressed, postage paid envelope.

Thank you for your assistance with this matter.

Very truly yours,



Anne M. Cunningham  
Paralegal to W. Pemble DeLashmet

/AMC  
Enclosure(s)

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LAMAR COUNTY SEP 15 2011 CIRCUIT CLERK

*Leslie Wilson*

20110827 R71

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

**FILED**

ARIANNE M. LEE and husband  
PHILLIP M. LEE

LAMAR COUNTY AUG 24 2011 CIRCUIT CLERK

*Leslie Wilson*

PLAINTIFFS

V.

CIVIL ACTION FILE NO. 2011-129

WAL-MART STORES, INC.

DEFENDANT

## SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART STORES, INC.**, legally organized and existing under the laws of the State of Delaware through its registered agent **C T CORPORATION SYSTEM, 645 LAKELAND EAST DRIVE, SUITE 101, FLOWOOD, MS 39232**

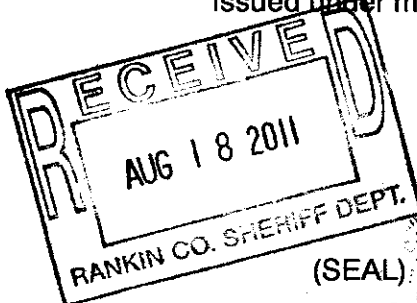
### NOTICE TO DEFENDANT(S)

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to **Cory M. Williams**, the attorney for the Plaintiff(s), whose address is **140 Mayfair Road, Suite 400, Hattiesburg, MS 39402**. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 5 day of Aug, 2011.



(SEAL)



LESLIE WILSON, CIRCUIT CLERK  
LAMAR COUNTY CIRCUIT COURT  
Post Office Box 369  
Purvis, MS 39475

By *Pam Sellers, D.C.*  
DEPUTY CLERK



RECEIVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

SHERIFF OF LAMAR COUNTY, MISSISSIPPI

By \_\_\_\_\_

**SHERIFF'S RETURN**

STATE OF MISSISSIPPI

COUNTY OF LAMAR

( ) I personally delivered copies of the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, to: \_\_\_\_\_

( ) After exercising reasonable diligence I was unable to deliver copies of the summons and complaint to \_\_\_\_\_ within \_\_\_\_\_ County, Mississippi. I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at the usual place of above said \_\_\_\_\_, by leaving a true copy of the summons and complaint with \_\_\_\_\_, who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

( ) I was unable to serve the summons and complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SHERIFF OF LAMAR COUNTY, MISSISSIPPI

By \_\_\_\_\_ Deputy Sheriff

**FILED**  
LAMAR COUNTY  
AUG 24 2011  
CLERK

*Lee Wilson*

D.S.

RONNIE PENNINGTON, SHERIFF

This the \_\_\_\_\_ day of \_\_\_\_\_, 2011

By Serving C. T. Corp. Agent

By

to \_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF LAMAR  
I have this day executed the within writ by personally delivering true copies of the within writ to \_\_\_\_\_

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE and husband  
PHILLIP M. LEE

PLAINTIFFS

V.

CIVIL ACTION FILE NO. 2011-129

WAL-MART STORES, INC.

DEFENDANT

## SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART STORES, INC.**, legally organized and existing under the laws of the State of Delaware through its registered agent **C T CORPORATION SYSTEM, 645 LAKELAND EAST DRIVE, SUITE 101, FLOWOOD, MS 39232**

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 5 day of Aug, 2011.

LESLIE WILSON, CIRCUIT CLERK  
LAMAR COUNTY CIRCUIT COURT  
Post Office Box 369  
Purvis, MS 39475

(SEAL)

By Pam Sellers, D.C.  
DEPUTY CLERK

---

RECEIVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

SHERIFF OF LAMAR COUNTY, MISSISSIPPI

By \_\_\_\_\_

---

### SHERIFF'S RETURN

STATE OF MISSISSIPPI

COUNTY OF LAMAR

( ) I personally delivered copies of the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, to: \_\_\_\_\_

( ) After exercising reasonable diligence I was unable to deliver copies of the summons and complaint to \_\_\_\_\_ within \_\_\_\_\_ County, Mississippi. I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at the usual place of above said \_\_\_\_\_, by leaving a true copy of the summons and complaint with \_\_\_\_\_, who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

( ) I was unable to serve the summons and complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SHERIFF OF LAMAR COUNTY, MISSISSIPPI

By \_\_\_\_\_ Deputy Sheriff

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

ARIANNE M. LEE and husband  
PHILLIP M. LEE

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2011-129

WAL-MART STORES, INC.

DEFENDANT

**COMPLAINT**

COME NOW the Plaintiffs ARIANNE M. LEE and husband PHILLIP M. LEE and for cause of action against the Defendant WAL-MART STORES, INC., would, with respect, show unto the Court the following facts, to-wit:

I.

Plaintiffs Arianne M. Lee and her husband Phillip M. Lee are adult resident citizens of Lamar County, Mississippi.

II.

Defendant WAL-MART STORES, INC. (hereinafter referred to as "WAL-MART"), is a foreign corporation organized and existing under the laws of the State of Delaware, which has qualified to do and is doing business in the State of Mississippi, and has appointed and designated C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232, as its registered agent for the service of legal process in the event of suit against it.

III.

This Court has subject matter jurisdiction of this cause pursuant to the provisions of Miss. Code Ann. §9-7-81 (1972) in that the subject matter of this

LAMAR COUNTY AUG 05 2011 CIRCUIT CLERK

*Leddie Wilson*

litigation is not made exclusively cognizable in some other court by the Constitution and laws of this State, and the principal amount in controversy exceeds the sum of Three Thousand Five Hundred and No/100 Dollars (\$3,500.00).

IV.

At all times hereinafter complained of, the Defendant WAL-MART owned and/or operated a retail store located at 6072 U.S. Highway 98 in Hattiesburg, Lamar County, Mississippi. Said premises were owned and/or operated by the Defendant solely for the purpose of attracting the general public to come onto said premises for the economic advantage of said Defendant; that said Defendant invited the general public onto its premises as business visitors, invitees and prospective customers.

V.

At all relevant times, the Defendant had the responsibility and duty of maintaining the premises including, but not limited to, the floors, walkways and aisles throughout and around said store, in a reasonably safe condition for use by its patrons.

VI.

On August 15, 2010, at approximately 5:35 p.m., Plaintiff Arianne M. Lee was shopping at the Defendant's store located on 6072 U.S. Highway 98 in Hattiesburg, and on said date Plaintiff Arianne M. Lee was a visitor and invitee on Defendant's premises, making lawful use of the premises at the time of the wrongs and injuries hereinafter complained of; Defendant owed Plaintiff Arianne M. Lee the duty of furnishing her a reasonably safe place within said premises which to walk and the

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HATTIESBURG, MISSISSIPPI  
AUG 25 2011  
CLERK

*Leddie Wilson*

duty to exercise ordinary care and caution in and about the operation, maintenance and management of said store and premises; the Defendant breached and violated said duties then and there owed the Plaintiff Arianne M. Lee, and as a direct and proximate result thereof, the Plaintiff Arianne M. Lee was injured and damaged as hereinafter alleged.

VII.

Plaintiff Arianne M. Lee was walking into the entrance of the store and was exercising all due care and caution for her own safety when she stepped into a wet area on the floor causing her to slip and fall and sustain severe, painful and permanent injuries; the Defendant, its agents, servants and employees were negligent in maintaining the floor and entrances of the store and had carelessly and negligently allowed the wet area to remain on the floor after they knew, or by the exercise of reasonable care, should have known, that the wet area on the floor created a hazard to business customers, including the Plaintiff Arianne M. Lee.

VIII.

Plaintiff Arianne M. Lee charges that the Defendant was negligent in one or more of the following respects which proximately caused or contributed to her injuries and damages sustained as the direct and proximate result thereof, to wit:

1. In failing to properly maintain the premises, including the failure to use non-skid mats near the entrance of the store;
2. In negligently and carelessly allowing the wet area to exist near the entrance of the store, which constituted a dangerous condition;
3. In negligently and carelessly failing to warn Plaintiff of any danger of

*[Handwritten signature]*

the existence of the wet area and failing to erect barriers or warning signs around the wet area although the Defendant knew or in the exercise of reasonable care should have known that the Plaintiff was unaware of such wet area;

4. In failing to eliminate the hazard in a timely manner;
5. In failing to use due and reasonable care to warn of the hazard; and,
6. In failing to provide safe and adequate walkways throughout and around the facility for business invitees, including the Plaintiff Arianne M. Lee;

all of which the Plaintiff Arianne M. Lee charges was negligence which proximately caused or contributed to the Plaintiff Arianne M. Lee's injuries and damages suffered as the direct and proximate result thereof.

IX.

As a direct and proximate result of the negligence of the Defendant, the Plaintiff Arianne M. Lee was caused to suffer serious, permanent, painful and disabling injuries for which she should be compensated. She has incurred significant medical, hospital, drug, physical therapy and related expenses to date and can reasonably expect future medical expenses for the rest of her life. She has past lost wages and can reasonably expect future lost wages and a permanent loss of wage-earning capacity. She has suffered severe mental and emotional anxiety and can reasonably expect future mental and emotional pain and suffering. She has endured and continues to experience physical pain and has lost the enjoyment of normal life. She will have permanent disability and will face a lifetime of physical

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LAMAR COUNTY, AUG 05 2011  
CIRCUIT CLERK

*Lechie Wilson*

and mental pain and suffering as a direct and proximate result of the negligence of the Defendant.

**COUNT ONE**

X.

Plaintiffs incorporate by reference herein, all and singular, the allegations and averments contained in Paragraphs I through IX above and say that as a direct and proximate result of the negligence of the Defendant WAL-MART, Plaintiff Arianne M. Lee was caused to suffer serious, painful and disabling injuries for which she should be compensated.

XI.

Plaintiffs allege that the injuries and damages sustained by Plaintiff Arianne M. Lee were the direct and proximate result of the recklessness, negligence, willfulness, wantonness and unlawfulness on the part of the Defendant as above stated without any negligence on the part of the Plaintiff Arianne M. Lee contributing thereto.

**COUNT TWO**

XII.

Plaintiffs incorporate by reference all of the allegations of the Paragraphs I through IX of the Complaint and further say that prior to the injuries sustained by reason of the Defendant's negligence as aforesaid, Arianne M. Lee was in good health, vivacious and fully capable of performing and actually did perform the usual duties of a wife; that prior to said accident Arianne M. Lee was a pleasing and loving wife to the Plaintiff Phillip M. Lee and as a consequence thereof Plaintiff Phillip M.

**FILED**

LAMAR COUNTY AUG 05 2011 CIRCUIT CLERK

*Leddie Wilson*



Lee received much comfort and happiness in her society and companionship; that by reason of said injuries, Arianne M. Lee has been unable to perform the duties which she had therefore performed for Plaintiff Phillip M. Lee; and that as a result of Arianne M. Lee's injuries, Plaintiff Phillip M. Lee has been deprived of the companionship, company, consortium and services of his wife and his comfort and happiness in her society and companionship have been greatly impaired, and because of the injuries to his wife, the Plaintiff Phillip M. Lee will continue to be deprived of the comfort, companionship, consortium and services usually and ordinarily provided by a wife in good health and of unimpaired vigor and strength. He will be deprived of her consortium for the rest of their lives, all of which have caused Plaintiff Phillip M. Lee great mental pain, anguish and damages.

XIII.

Plaintiff Phillip M. Lee alleges that the aforesaid injuries and damages caused to him were the direct and proximate result of the carelessness, negligence and recklessness of the said Defendant as aforesaid and Plaintiff Phillip M. Lee is entitled to recover damages against said Defendant for his loss of consortium.

**AD DAMNUM**

WHEREFORE, premises considered Plaintiffs bring this suit for all damages of every kind and nature to which they may be entitled, and Plaintiffs demand judgment against the Defendant WAL-MART STORES, INC., as follows:

1. For an amount that will compensate the Plaintiff Arianne M. Lee for all damages for the personal injuries and permanent disability she has sustained, including loss of enjoyment of life.

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LAMAR COUNTY AUG 05 2011 CIRCUIT CLERK  
*Leetie Wilson*

2. For an amount that will compensate the Plaintiff Arianne M. Lee for all medical expenses she has incurred and she will likely incur in the future.
3. For an amount that will compensate the Plaintiff Arianne M. Lee for her past, present and future pain, suffering and mental anguish and hedonic damages.
4. For an amount that will compensate the Plaintiff Arianne M. Lee for her past, present and future lost wages.
5. For an amount that will compensate the Plaintiff Phillip M. Lee for his loss of consortium.
6. For all interest, costs of court, and other expenses incurred by the Plaintiffs in bringing this action.

Plaintiffs finally pray for a trial by jury.

Respectfully submitted,

ARIANNE M. LEE and husband PHILLIP M.  
LEE, PLAINTIFFS

By: 

Cory M. Williams  
Of Counsel for Plaintiffs

CORY M. WILLIAMS (MSB #102870)  
L. O'NEAL WILLIAMS, JR. (MSB #7248)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR, SUITE 400  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 602-4705  
ATTORNEYS FOR PLAINTIFFS

**FILED**

LAMAR COUNTY AUG 05 2011 CIRCUIT CLERK

*Leddie Wilson*

<b>COVER SHEET</b>		Court Identification Docket #		Case Year	Docket Number	
<b>Civil Case Filing Form</b> (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">37</div> County #	<div style="border: 1px solid black; padding: 2px;">1</div> Judicial District	<div style="border: 1px solid black; padding: 2px;">CI</div> Court ID (CH, CI, CO)	<div style="border: 1px solid black; padding: 2px;">2011</div> Case Year	<div style="border: 1px solid black; padding: 2px;">129</div> Docket Number
		<div style="border: 1px solid black; padding: 2px;">080511</div> Month Date Year				<div style="border: 1px solid black; padding: 2px;">36</div> Local Docket ID
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		This area to be completed by clerk		
In the <u>CIRCUIT</u>		Court of <u>LAMAR</u>		County <u>---</u> Judicial District <u>---</u>		
<b>Origin of Suit (Place an "X" in one box only)</b>						
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal						
<b>Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form</b>						
<b>Individual</b> <u>LEE</u> <u>ARIANNE</u> <u>M</u> <u>M.I.</u> <u>Jr/Sr/III/IV</u> Last Name First Name Maiden Name, if applicable						
<input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____ <input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity D/B/A or Agency _____						
<b>Business</b> _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____						
<b>Address of Plaintiff</b> <u>34 ACORN LANE: LUMBERTON, MS 39455</u>						
<b>Attorney (Name &amp; Address)</b> <u>Cory M. Williams: 140 Mayfair Road, Suite 400: Hattiesburg, MS 39402</u> <b>MS Bar No.</b> <u>102870</u> <input type="checkbox"/> Check ( x ) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>[Signature]</u>						
<b>Defendant - Name of Defendant - Enter Additional Defendants on Separate Form</b>						
<b>Individual</b> _____ Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____ <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity D/B/A or Agency _____						
<b>Business</b> <u>WALMART STORES, INC.</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____						
<b>Attorney (Name &amp; Address) - If Known</b> _____ <b>MS Bar No.</b> _____						
<b>Damages Sought:</b> Compensatory \$ <u>3,500.00+</u> Punitive \$ _____ <input type="checkbox"/> Check ( x ) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet						
<b>Nature of Suit (Place an "X" in one box only)</b>						
<b>Family Relations</b> <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____ <b>Administrative Agency</b> <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____	<b>Business/Commercial</b> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ <b>Probate</b> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____	<b>Children/Minors - Non Domestic</b> <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ <b>Civil Rights</b> <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____ <b>Contract</b> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ <b>Statutes/Rules</b> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	<b>Real Property</b> <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ <b>Torts</b> <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Other <u>Premise Liability</u>			

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI  
 JUDICIAL DISTRICT, CITY OF \_\_\_\_\_

Docket No. \_\_\_\_\_  
 File Yr \_\_\_\_\_ Chronological No. \_\_\_\_\_ Clerk's Local ID \_\_\_\_\_

Docket No. If Filed  
 Prior to 1/1/94 \_\_\_\_\_

PLAINTIFFS IN REFERENCED CAUSE - Page 1 of \_\_\_\_ Plaintiffs Pages  
 IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET

**Plaintiff #2:**

**Individual:** LEE PHILLIP (\_\_\_\_\_) M  
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: \_\_\_\_\_ Bar # or Name: Cory M. Williams Pro Hac Vice (✓) \_\_\_\_ Not an Attorney (✓) \_\_\_\_

**Plaintiff #3:**

**Individual:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_\_ Not an Attorney (✓) \_\_\_\_

**Plaintiff #4:**

**Individual:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_\_ Not an Attorney (✓) \_\_\_\_

**FILED**  
 LAMAR COUNTY AUG 25 2011 CLERK

*Leatrice Wilson*

**WILLIAMS, WILLIAMS & MONTGOMERY, P. A.**

**ATTORNEYS AT LAW**

140 MAYFAIR ROAD

SUITE 400

**HATTIESBURG, MISSISSIPPI 39402**

TELEPHONE (601) 602-4705

FAX (601) 602-4725

WWW.WWMATTORNEYS.COM

August 2, 2011

LAMPTON O. WILLIAMS  
JOSEPH H. MONTGOMERY  
E. BRAGG WILLIAMS, III  
L. O'NEAL WILLIAMS, JR.  
MICHAEL E. PATTEN  
CORY M. WILLIAMS

E. B. WILLIAMS 1890-1976  
E. B. WILLIAMS, JR. 1917-1990  
109 ERLANGER STREET  
P.O. BOX 113  
POPLARVILLE, MS 39470  
TELEPHONE (601) 795-4572  
FAX (601) 795-8382

Honorable Leslie Wilson  
Circuit Clerk, Lamar County  
Post Office Box 369  
Purvis, MS 39475

Re: Arianne M. Lee and husband Phillip M. Lee v. Wal-Mart  
Stores, Inc. - In the Circuit Court of Lamar County,  
Mississippi

Dear Mr. Wilson:

In connection with the above-captioned claim, we enclose the following:

- (1) Original and one copy of Complaint - Please file the original and return the copy to us stamped "filed."
- (2) Civil Cover Sheet.
- (3) Our firm check in the amount of \$120.00 payable to you as court costs.
- (4) Index card and self-addressed, stamped envelope for use in notifying us of assignment of judge.
- (5) Summons - Please issue the Summons and return it to us for service upon the Defendant Wal-Mart Stores, Inc.

Thank you for your attention to our requests.

Yours very truly,

WILLIAMS, WILLIAMS & MONTGOMERY, P.A.

By: 

Cory M. Williams

**FILED**

LAMAR COUNTY AUG 05 2011 CIRCUIT CLERK

*Leslie Wilson*

CMW:rsh  
Enclosures  
cc: Mr. & Mrs. Phillip M. Lee